

MINUTES
PERSONNEL COMMITTEE
Wednesday, January 28, 2015
City Hall, Room 604
6:05 p.m.

Members Present: Ald. Andy Nicholson, Ald. Guy Zima, Ald. Thomas Sladek

Member Excused: Ald. Thomas DeWane

Others Present: Ald. Tim DeWane, Ald. Chris Wery, Ald. Dave Nennig, Ald. Joe Moore, Ald. Mark Steuer, Lynn Boland, Tom Molitor, Steve Grenier, David Litton, Jim Mueller, Dawne Cramer, Melanie Falk, and others.

1. Roll Call.

2. Adoption of the Agenda.

A motion to adopt the agenda was made by Ald. Sladek, seconded by Ald. Zima. Motion carried 3-0.

3. Approval of the minutes from the meetings held on January 13, 2015 and January 14, 2015.

A motion to approve the minutes from the meetings on January 13, 2015 and January 14, 2015 was made by Ald. Zima, seconded by Ald. Sladek. Motion carried 3-0.

4. Request by Human Resources Director to approve the following contract agreements for the 2015 calendar year with a 2% general salary increase effective with the start of the pay period in which October 1, 2015 occurs.
- a. City of Green Bay Parks and Forestry Labor Association
 - b. City of Green Bay Department of Public Works Labor Association

Director Boland stated the Parks and Forestry Labor Association and the Public Works Labor Association have the right to bargain wages. Both groups requested the same 2% increase that general municipal employees are scheduled to receive in October. The pay increases would be effective with the start of the pay period in which October 1, 2015 occurs.

A motion to approve the contract agreement for the 2015 calendar year between the City of Green Bay and the Parks and Forestry Labor Association with a 2% general salary increase effective with the start of the pay period in which October 1, 2015 occurs was made by Ald. Sladek, seconded by Ald. Zima. Motion carried 3-0.

A motion to approve the contract agreement for the 2015 calendar year between the City of Green Bay and the Public Works Labor Association with a 2% general salary increase effective with the start of the pay period in which October 1, 2015 occurs was made by Ald. Sladek, seconded by Ald. Zima. Motion carried 3-0.

5. Request to approve contracting for an attorney to advise the Council on any issue at a contract salary of \$30,000 per year.

Ald. Zima stated the committee was waiting on documentation being gathered by the City Attorney. Ald. Zima asked Attorney Mueller if his position is that the Council does not have the right to contract for an attorney. Attorney Mueller replied correct, it's not in conformity with State law. Atty. Mueller has not heard from the League of Municipalities but will follow-up with them.

Ald. Zima stated that 62.09(12)(g) states succinctly the Council may employ and compensate special counsel to assist in or take charge of any matter in which the City is interested in. Attorney Mueller explained that as his memo stated Council may hire special counsel for certain issues; the Council has always had that right. This communication is requesting to hire counsel to essentially handle everything. Ald. Zima stated if the Council wants someone to generally advise the members on every item before the Council, they have a right to do so. Atty. Mueller stated it has to be a specific legal issue. Ald. Zima stated he has an opinion from the Attorney General and it does not have to be specific. Atty. Mueller indicated he reviewed the opinion from the Attorney General regarding a County which has different standards. Atty. Mueller wants to hear the opinion from the League of Municipalities.

Ald. Sladek would also like to hear the League of Municipalities opinion and ask if the League will commit to when they will respond. Atty. Mueller will contact the League and ask when the City can expect a response.

Ald. Wery spoke with the League by phone a couple of months ago, and received a verbal response that there isn't any reason the Council can't contract an attorney. Ald. Wery doesn't recall the name of individual he spoke with, after discussion he indicated he thought the name was Olson.

A motion to open the floor to interested parties was made by Ald. Sladek and seconded by Ald. Nicholson. Motion carried.

Bill Meindl, Mission Road. Mr. Meindl pointed out the City Council voted 8-4 at their November 12, 2014 meeting not to hire an attorney at a cost of \$30,000 yet this issue keeps coming back, meeting after meeting.

Ald. Nicholson stated in his opinion this is a different matter. The Council vote in November was a finance decision while this discussion is in regards to determining the legality of hiring an attorney to advise the Council.

Attorney Mueller stated that although money was not put in the budget, Council can still take up this issue as this item was held from previous meetings.

Rhonda Sitnikau, S. Jackson Street, asked if the committee was aware of any other City in Wisconsin that has their own Council attorney.

Ald. Zima and Nicholson were both aware of other communities that contract with counsel for advice. Ms. Sitnikau asked if those attorneys were on staff. Ald. Zima replied no, they're contracted. Ald. Zima indicated a number of townships in Brown County contract with attorneys to advise them on any and all matters.

Lisa Hanson, Kellogg Street. Ms. Hanson understands the committee is discussing the legality of whether or not the Council may have their own attorney, but at the November meeting the Council voted 8-4 against contracting for their own attorney. Due to the vote in November, Ms. Hanson doesn't understand why it matters if it's legal or not.

A motion to return to regular order of business was made by Ald. Zima and seconded by Ald. Sladek. Motion carried 3-0.

A motion to hold until the next meeting the request to approve contracting for an attorney to advise the Council at a contract salary of \$30,000 per year was made by Ald. Zima and seconded by Ald. Sladek. Motion carried 3-0.

6. Request by Ald. Tom DeWane to have Human Resources solicit request for bids (RFPs) from outside consultants to conduct a broad study of the Green Bay Police Department to include reviewing and recommending potential operational and organizational changes to be more cost effective, including providing pros and cons on whether sergeants should be incorporated into the department at a cost not to exceed \$50,000. Prior to proceeding with the study, the results of the RFP process will be brought back to the Committee and Council for approval.

Ald. Sladek stated he spoke with Ald. DeWane earlier today and Ald. DeWane requests the committee receive and place this item on file as he is not interested in pursuing this item further.

A motion to receive and place on file the request by Ald. Tom DeWane was made by Ald. Zima and seconded by Ald. Sladek. Motion carried 3-0.

7. Request by Ald. Wery to review how outside legal counsel is selected and whether illegal campaign donations from law firms preclude them from contracting with the City.

Ald. Wery deferred to Attorney Mueller.

Attorney Mueller stated that CVMIC, the City's insurance provider selects attorneys based on who they've worked with in the past. The City Attorney's office also selects outside counsel based on past working relationships, and who we trust. The City Council can contract with outside counsel for specific issues.

Ald. Wery asked if the City has ever dealt with a situation where an illegal contribution was taken from outside counsel like the recent situation where the Mayor had to give back money from Gunta & Reak. Atty. Mueller stated he won't get in the middle of that situation, but will look into issues in that regards if the committee requests. Ald. Wery believes there were illegal campaign contributions in 2010 and 2011 from that same company, which has done about \$950,000 worth of legal fees for the City in the last ten years.

Ald. Wery stated that Gunta & Reak Law firm made an illegal contribution to the Mayor's campaign that was not found until an investigation was done by the local newspaper. The Mayor has sent the illegal contribution back to Gunta & Reak. Ald. Wery indicated in looking back further in the records there was another contribution for twice that amount. Ald. Wery feels there should be discussions regarding who the City does business with.

Ald. Sladek asked for more specifics regarding the \$950,000. Ald. Wery stated it's a total of all Gunta & Reak's legal fees.

A motion to refer to the City Attorney's office the review of how outside counsel is selected and whether illegal campaign donations from law firms preclude them for contracting with the City was made by Ald. Sladek, seconded by Ald. Zima.

Attorney Mueller has no problem farming this request out to an attorney of the Council's choice. Attorney Mueller would make an analysis as to whether this is proper for his office to handle or have an outside attorney handle this request.

Motion carried 3-0.

8. Request by Ald. Nicholson that the City post all campaign finance reports on the City's web site.

A motion to approve the request to post all campaign finance reports on the City's web site was made by Ald. Zima.

Ald. Nicholson asked who would handle posting the reports. Director Boland indicated the City Clerk's office would be responsible for posting the reports.

Ald. Sladek seconded the motion on the floor.

Ald. Moore asked if the committee was referring to all campaign finance reports. The committee members responded affirmative.

Motion carried 3-0.

9. Request by Ald. Moore to draft a resolution recognizing religious liberty and diversity of belief by safeguarding the trust of religious institutions and their congregants, with possible action.

Ald. Moore stated he brought this forward after actions in Houston, Texas were publicized where the Mayor had issued subpoenas on pastors to get copies of their sermons. This was in regards to an open bathroom law, which could result in an adult male using the same bathroom at the same time as a 13-year old girl in a public building. There was a large petition drawn up and thrown out, there was a lawsuit for throwing the petition out, and all the pastors were subpoenaed by the Mayor. This brought a lot of attention on the Mayor, who then backed off and dropped the order. This resolution is not specific to any specific religion as the situation in Texas was, but thought the City should be reactive to the social issues. Ald. Moore thought it would be a good idea as a community to take a stand and say "look we took an oath to obey the constitution". This is important to us as a Council, the Mayor's office, our staff and something we will keep in mind as a priority as we make and amend laws when anything becomes outdated and no longer pertains. Ald. Moore worked with Atty. Mueller to draft a resolution.

Ald. Sladek asked what is meant by "not tolerant". Ald. Moore indicated it could mean not supportive. Ald. Sladek wondered about discrimination for organizations that can legally discriminate such as the Boy Scouts of America denial of gay males from being leaders as they do; would this resolution suggest the City is intolerant of that and somehow act on it. Ald. Moore sees not tolerant as the City enacting any type or creating any type of a law on sexual creed, orientation, race issues. There are already federal laws that protect against that type of discrimination. This resolution is just taking a position and being proactive instead of being reactive. Ald. Sladek stated to declare the City is not tolerant suggests the City would intervene if we knew it was going on and there are some institutions in the City that are legally permitted to do "discrimination and exclusion".

Ald. Zima feels the whole resolution is superfluous and doesn't feel it's necessary. Ald. Zima feels this should be received and place on file. The City is obligated by law to conform to everything that is in the constitution.

Discussion followed. Ald. Moore feels the City should take a stance now and be a leader. Ald. Sladek noted there are already higher order laws in place that prohibit us for imposing a law on a religious institution. Ald. Moore agreed the first amendment offers freedom of religion and protection. Ald. Sladek stated it appears the City is stating through this resolution that we intend to follow the existing law. Ald. Wery supports the resolution. Ald. Sladek is concerned about the language regarding intolerance and feels that language could be misinterpreted. Atty. Mueller suggested adding the underlined language below to the second paragraph:

WHEREAS, the City of Green Bay is not tolerant of hate speech, bullying, discrimination, exclusion or lack of acceptance of any persons in accordance with State and Federal law; and

A motion to receive and place on file was made by Ald. Zima. Motion died due to lack of a second.

A motion to refer to the City Council as a whole the resolution recognizing religious liberty and diversity of belief by safeguarding the trust of religious institutions and their congregants was made by Ald. Sladek, seconded by Ald. Nicholson.

Ald. Zima is not in favor of the resolution. Ald. Sladek stated he agrees with Ald. Zima on some points and invites Ald. Zima to make those comments at the full Council.

Motion carried 2-1. Ald. Zima voted no.

10. Request by Ald. Wery for a report on employees that were or are on paid or unpaid administrative leave from December 1, 2014 to present.

Attorney Mueller stated the committee needs to convene in closed session in order to discuss this item.

Ald. Zima made a motion to convene in closed session and read the closed session language. Ald. Sladek seconded the motion. Roll call vote taken, 3-0.

Reporting out of closed session, a motion to receive and place on file the report on employees that were or are on paid or unpaid administrative leave from December 1, 2014 to present was made by Ald. Zima, seconded by Ald. Sladek. Motion carried 3-0.

- 11 Report of Routine Personnel Actions for regular employees.

A motion to receive and place on file the report of Routine Personnel Actions was made by Ald. Zima and seconded by Ald. Sladek. Motion carried 3-0.

There being no further business, a motion to adjourn was made by Ald. Sladek and seconded by Ald. Zima at 6:46 p.m. Motion carried unanimously.

Respectfully submitted,
Peggy Barden
Recording Secretary